

BEFORE THE
 PODIATRY EXAMINING COMMITTEE
 DIVISION OF ALLIED HEALTH PROFESSIONS
 BOARD OF MEDICAL QUALITY ASSURANCE
 DEPARTMENT OF CONSUMER AFFAIRS
 STATE OF CALIFORNIA

In the Matter of the Accusation
 Against:

LESLIE E. LISNEK, D.P.M.
 Certificate No. LN-521

Respondent

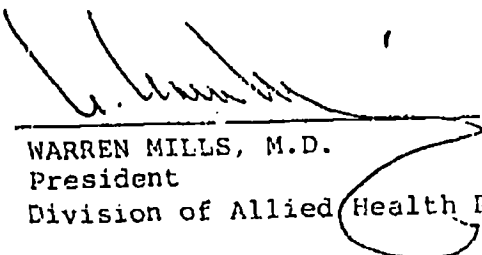
No. D-2571

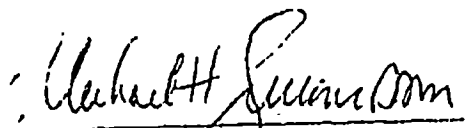
DECISION

The attached Stipulation is hereby adopted by the
 Podiatry Examining Committee of the Board of Medical Quality
 Assurance as its Decision in the above-entitled matter.

This Decision shall become effective on November 23, 1983.

IT IS SO ORDERED October 24, 1983.


 WARREN MILLS, M.D.
 President
 Division of Allied Health Professions


 MICHAEL SIMONS, D.P.M.
 Chairperson
 Podiatry Examining Committee

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 ALAN A. MANGELS,
Deputy Attorney General
3 3580 Wilshire Boulevard
Los Angeles, California
4 Telephone: (213) 736-2026

5 Attorneys for Complainant
6

7 BEFORE THE
8 PODIATRY EXAMINING COMMITTEE
9 DIVISION OF ALLIED HEALTH PROFESSIONS
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation) No. D-2571
Against:)
12)
LESLIE E. LISNEK, D.P.M.) STIPULATION FOR
13 25 N. Santa Anita Ave., Ste. J) SETTLEMENT
Arcadia, California 91006)
14)
Respondent.)
15)
16)

17 IT IS HEREBY STIPULATED, by and between the
18 hereinbelow noted parties in the above entitled matter as
19 follows:

20 1. Accusation number D-2571 is currently pending
21 against Leslie E. Lisnek, D.P.M. (hereinafter referred to as the
22 "respondent"), before the Podiatry Examining Committee, Division
23 of Allied Health Professions of the Board of Medical Quality
24 Assurance (hereinafter referred to as the "committee").

25 2. Respondent has counseled with, and is
26 represented by Samuel E. Spital, a professional corporation, by
27 Samuel Spital, Esq., in this matter.

1 3. Respondent is fully aware of the charges and the
2 allegations contained in said accusation number D-2571 on file
3 with the committee, and respondent has been fully advised with
4 regards to his rights in this matter.

5 4. Respondent is fully aware of his rights to a
6 hearing on the charges and allegations now contained in said
7 accusation number D-2571, his rights to reconsideration, appeal,
8 and any and all other rights which may be accorded him pursuant
9 to the Administrative Procedure Act.

10 5. Respondent hereby freely and voluntarily waives
11 his right to a hearing, reconsideration, appeal, and any and all
12 other rights which may be accorded him by the Administrative
13 Procedure Act with regards to said accusation number D-2571 on
14 file with the committee.

15 6. For purposes of settlement of said accusation
16 number D-2571 only, the facts and allegations contained in
17 paragraphs 1, 2, and 6 of said accusation number D-2571 are true
18 as alleged in that the osteotomy was not performed at the base
19 of the proximal phalanx and the treatment rendered by respondent
20 failed to correct the patient's condition.

21 7. Based upon the foregoing stipulated facts and
22 for purposes of settlement of accusation number D-2571 only,
23 cause for disciplinary action has been established under the
24 provisions of previously numbered Business and Professions Code
25 section 2361 (now numbered 2234) in that respondent is guilty of

26 /

27 /

1 unprofessional conduct within the meaning of previously numbered
2 section 2361, subdivision (d) (now numbered 2234, subdivision
3 (d)).

4 8. Accordingly, the committee may issue the
5 following order:

6 Doctor of podiatry medicine certificate number
7 E-0831 heretofore issued to Leslie E. Lisnek, D.P.M., is
8 hereby revoked; however, said revocation is stayed and
9 respondent is placed on probation for a period of five
10 years on the following terms and conditions:

11 A. Respondent shall obey all federal, state
12 and local laws, and all rules governing the practice
13 of podiatry in California.

14 B. Respondent shall submit to the committee
15 quarterly declarations under penalty of perjury on
16 forms provided by the committee, stating whether
17 there has been compliance with all the conditions of
18 probation.

19 C. Respondent shall comply with the
20 committee's probation surveillance program.

21 D. Respondent shall appear in person for
22 interviews with the committee's podiatric consultant
23 upon request at various intervals and with
24 reasonable notice.

25 E. Within one month of the effective date of
26 this decision, respondent shall submit to the
27 committee for its prior approval, an initial outline

1 of an educational program of not less than 75 units
2 related to podiatry, excluding those courses solely
3 related to the business practice/management of
4 podiatry. This program shall be in addition to the
5 Continuing Medical Education requirements for
6 relicensure. Following the completion of each
7 course, the committee or its designee may administer
8 an examination to test respondent's knowledge of the
9 course. Said courses of instruction are to be
10 completed not later than three years from the
11 effective date of this decision.

12 F. Respondent shall take and pass an
13 oral/clinical examination in podiatry related to the
14 violations set forth by accusation number D-2571 to
15 be administered by the committee or its designee on
16 or about November 19, 1983. If respondent fails
17 this examination, respondent must wait three months
18 between reexaminations, except that after three
19 failures respondent must wait one year to take each
20 necessary reexamination thereafter. The committee
21 shall pay the cost of the first examination and
22 respondent shall pay the costs of any subsequent
23 examinations. If, respondent fails to take and pass
24 this examination by the end of the first year of
25 probation, respondent shall cease the practice of
26 podiatry until respondent has passed this
27 oral/clinical examination successfully and has been

1 so notified by the committee in writing.

2 G. In the event respondent should leave
3 California to reside or to practice outside the
4 state, respondent must notify in writing the
5 committee of the dates of departure and return.
6 Periods of residency or practice outside California
7 will not apply to the reduction of his probationary
8 period.

9 H. If respondent violates probation in any
10 respect, the committee, after giving respondent
11 notice and opportunity to be heard, may set aside
12 the stay order and impose the revocation of
13 respondent's certificate. Upon successful
14 completion of probation, respondent's certificate
15 will be fully restored.

16 9. The within stipulation shall be subject to
17 approval of the committee. If the committee fails to approve
18 this stipulation, it shall be of no force or effect to the
19 parties. It is agreed that this stipulation is for the

20 /

21 /

22 /

23 /

24 /

25 /

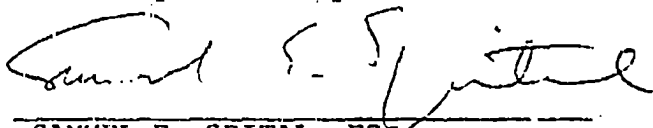
26 /

27 /

1 purpose of settling accusation number D-2571 and for the further
2 purpose of resolving any investigation presently pending before
3 the committee and that the committee shall take no further
4 action based upon any such pending complaint other than what has
5 been set forth by the terms of this stipulation.

6 JOHN K. VAN DE KAMP, Attorney General
7 of the State of California

8 Dated: 8 Aug 83 
9 ALAN A. MANGELS
10 Deputy Attorney General
11 Attorneys for Complainant

12 Dated: 6/15/83 
13 SAMUEL E. SPITAL, ESQ.
14 Attorney for Respondent
15 LESLIE E. LISNEK, D.P.M.

16 I HAVE FULLY READ AND UNDERSTOOD THE TERMS OF THE
17 ABOVE STIPULATION AND HAVE DISCUSSED IT WITH MY ATTORNEY. I
18 FULLY AND FREELY ACCEPT THESE TERMS OF SETTLEMENT AND HEREBY
19 WAIVE ANY AND ALL RIGHTS WHICH MAY BE ACCORDED ME PURSUANT TO
20 THE ADMINISTRATIVE PROCEDURE ACT.

21 Dated: June 14, 1983 
22 LESLIE E. LISNEK, D.P.M.
23 Respondent

24
25
26
27
AAM:gn
0752F

1 GEORGE DEUKMEJIAN, Attorney General
 2 ALAN A. MANGELS,
 3 Deputy Attorney General
 3580 Wilshire Boulevard
 4 Los Angeles, California 90010
 Telephone: (213) 736-2026
 5 Attorneys for Complainant
 6

7 BEFORE THE
 8 PODIATRY EXAMINING COMMITTEE
 9 DIVISION OF ALLIED HEALTH PROFESSIONS
 BOARD OF MEDICAL QUALITY ASSURANCE
 DEPARTMENT OF CONSUMER AFFAIRS
 10 STATE OF CALIFORNIA

11 In the Matter of the Accusation)
 12 Against:) NO. D-2571
)
 13 LESLIE E. LISNEK, D.P.M.) ACCUSATION
 25 North Santa Anita Ave., Ste. 3)
 14 Arcadia, California 91006)
)
 15 License Number E-0831,)
)
 16 Respondent.)

17 Complainant alleges that:

18 1. He is Aldo Avellino, Executive Officer of the
 19 Podiatry Examining Committee, Division of Allied Health
 20 Professions, Board of Medical Quality Assurance of the State of
 21 California (hereinafter referred to as the "board"), and makes and
 22 files this accusation solely in his official capacity as such and
 23 not otherwise.

24 2. At all times hereinafter mentioned, Leslie E.
 25 Lisnek, D.P.M. (hereinafter referred to as the "respondent")
 26 possessed Doctor of Podiatry Medicine Certificate number E-0831,
 27 issued by the Board of Medical Examiners (now the Board of Medical
 28 Quality Assurance).

1 3. Pursuant to section 2525 of the Business and
2 Professions Code (hereinafter all statutory references shall be to
3 the Business and Professions Code unless otherwise noted), there
4 is a Podiatry Examining Committee under the jurisdiction of the
5 Division of Allied Health Professions of the board.

6 4. Pursuant to section 2100.8, the Division of Allied
7 Health Professions has responsibility for the carrying out
8 disciplinary action appropriate to findings made by the Podiatry
9 Examining Committee, with respect to podiatrists.

10 5. Pursuant to section 2525.12, the Podiatry Examining
11 Committee may order the suspension of, or the revocation, or the
12 imposition of probationary conditions upon, a certificate to
13 practice podiatric medicine for any of the causes set forth in
14 articles 13 and 13.5 (commencing with §§ 2360 and 2415,
15 respectively) of chapter 5 of the Business and Professions Code.
16 Section 2361 provides for discipline against any holder of a
17 certificate who is guilty of unprofessional conduct. Section 2361
18 further defines unprofessional conduct as including gross
19 negligence (subd. (b)), and incompetence (subd. (d)).

20 6. Respondent is subject to disciplinary action
21 pursuant to section 2525.12 in conjunction with sections 2360 and
22 2361 because respondent has been guilty of gross negligence and
23 incompetence within the meaning of section 2361, subds. (b) and
24 (d), as follows:

25 A. Respondent, on or about May 5, 1978, based on
26 his diagnosis of a hallux abducto valgus of the right
27 foot of one B■■■■ D■■■■, performed an operation

1 consisting of a hallux valgus correction (Silver
2 procedure) of the right foot and a closed wedge
3 osteotomy of the proximal phalanx of the right great
4 toe of said patient. Respondent was grossly negligent
5 in that said osteotomy was not indicated for this
6 patient. Additionally, the osteotomy was incompetently
7 performed in that it was not performed at the base of
8 the proximal phalanx of the hallux as noted in the
9 operative report but rather was performed at the head of
10 the proximal phalanx of the hallux and there was no
11 break on the cortex on the medial aspect of the hallux
12 which would require to close the wedge. Additionally,
13 the treatment rendered by the respondent on the
14 aforesaid date did not correct said patient's condition.

15 B. Respondent, on or about May 23, 1978, based on
16 his diagnosis of a deformed third, fourth, and fifth
17 toe of the right foot and a deformed second toe of the
18 right foot of the said B. D., performed a
19 capsulotomy of the distal inter-phalangeal joint and
20 flexor tenotomy of the third, fourth, and fifth toes of
21 the right foot, and an extensor tenotomy and capsulotomy
22 of the second metatarsal-phalangeal joint of the right
23 foot. Respondent was grossly negligent in this
24 treatment of said patient in that said procedures were
25 not indicated and were unnecessary. Additionally, the
26 patient's condition was not corrected by respondent's
27 treatment on the aforesaid date.

1 C. Respondent, on or about June 6, 1978, based on
2 his diagnosis of a hallux abducto valgus of the left
3 foot and a deformed second, fourth, and fifth toe on the
4 left foot of said patient J. D., performed a
5 closed wedge osteotomy of the proximal phalanx of the
6 left great toe and capsulotomy of the distal
7 inter-phalangeal joint and a flexor tenotomy of the
8 second, fourth, and fifth toes of the left foot.

9 Respondent was grossly negligent in this treatment in
10 that the osteotomy was not indicated for this patient.
11 Additionally, the osteotomy was incompetently performed
12 in that there was no wedge closure and no change in the
13 hallux angle. Respondent was further negligent in that
14 the capsulotomy and the tenotomy were not indicated and
15 were unnecessary. The treatment rendered by the
16 respondent on the aforesaid date did not correct said
17 patient's condition.

18 WHEREFORE, complainant prays that a hearing be held on
19 the charges alleged hereinabove, and that following said hearing a
20 decision be issued:

21 1. Revoking or suspending Doctor of Podiatry Medicine
22 Certificate number E-0831, heretofore issued to Leslie E. Lisnek,
23 D.P.M., by the board; and

24 /

25 /

26 /

27 /

1 2. Taking such other and further action as the board
2 deems necessary and proper.

3 DATED: July 21, 1980

4
5
6 *Aldo Avellino*
7 ALDO AVELLINO
8 Executive Officer
9 Podiatry Examining Committee
10 Division of Allied Health Professions
11 Board of Medical Quality Assurance
12 State of California

13
14
15 Complainant
16
17
18
19
20
21
22
23
24

4:91d 25
576110-
30AD060826
14-80

27